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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/693,512

10/20/2000

Joel E. Short

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7590

12/17/2003

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EXAMINER

DUONG, THOMAS

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 12/17/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,512

Applicant(s)

SHORT ET AL.

Examiner

Thomas Duong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

2. The drawings are objected to because they are not presentable. Please correct the drawings by eliminating the handwritten marks. A proposed drawing

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correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris (US006453361B1) and in view of Meltzer et al. (US006226675B1).

With regard to *claims 1-2, 8 and 14*, Morris reference discloses

- *a subscriber interface (CGMAPI) for adapting to a subscriber computer (PC, PDA or cell phone) that is connected to the gateway device (gateway server) to facilitate communications between the subscriber computer and at least one network; and (Morris, col.3, lines 39-41; col.5, lines 42-49, lines 52-59; module 21 on sheet 1, fig.1).*

However, Morris reference does not explicitly disclose,

- *an XML interface for communicating with an external device via a series of XML commands and responses such that the gateway device supports communications involving the subscriber computer and the external*

device without requiring the subscriber computer to support XML commands and responses

Meltzer teaches,

- *an XML interface (network interface) for communicating with an external device (diverse nodes) via a series of XML commands and responses such that the gateway device supports communications involving the subscriber computer and the external device without requiring the subscriber computer to support XML commands and responses (Meltzer, col.21, lines 41-45; col.23, lines 38-60; modules 300-304 on sheet 3, fig.3; sheet 4, fig.4).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Meltzer reference with Morris reference to facilitate interactions amongst diverse platforms in a communication network by eliminating the prior agreement on industry wide standards or custom integration. Furthermore, such systems should encourage incremental path to business automation, to eliminate much of the time, cost and risks of traditional systems integration (Meltzer, col.2, lines 18-25).

5. With regard to *claims 3, 9 and 16*, Morris and Meltzer references disclose the invention substantially as claimed,

See *claims 1, 8 and 14* rejections as detailed above.

Furthermore, Meltzer reference discloses,

- *wherein said XML interface comprises a parser front end for determining the type of operation requested by the external device (Meltzer, col.21, lines 44-47; col.23, lines 41-45; module 301 on sheet 3, fig.3; module 401 on sheet 4, fig.4).*

6. With regard to *claims 4-5, 10-11 and 17-18*, Morris and Meltzer references disclose the invention substantially as claimed,

See *claims 1, 8 and 14* rejections as detailed above.

Furthermore, Meltzer reference discloses,

- *wherein said XML interface comprises a parser section for organizing elements parsed from at least one of an XML command and an XML response and for passing at least some of the elements to a requested application (Meltzer, col.21, lines 47-52, lines 60-64; col.23, lines 46-53; module 304 on sheet 3, fig.3; module 404 on sheet 4, fig.4).*
- *wherein said parser section also nests the elements to be passed to the requested application within an application programming interface (API) wrapper (Meltzer, col.25, line 66 – col.26, line 8; module 515 on sheet 5, fig.5).*

7. With regard to *claims 6-7 and 12-13*, Morris and Meltzer references disclose the invention substantially as claimed,

See *claims 1 and 8* rejections as detailed above.

Furthermore, Meltzer reference discloses,

- *wherein said XML interface comprises a building section for preparing responses to requests received by the gateway device (Meltzer, col.23, lines 23-28, lines 53-60; modules 406-407 on sheet 4, fig.4).*

8. With regard to *claim 15*, Morris and Meltzer references disclose the invention substantially as claimed,

See *claim 14* rejection as detailed above.

Furthermore, Meltzer reference discloses,

- *wherein receiving an XML command comprises receiving an XML command at the gateway device from a billing and content server (Meltzer, col.21, line 64 – col.22, line 2; modules 305-307 on sheet 3, fig.3).*

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Allen (US006658625B1)
- Morgenstern (US005970490A)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is

703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

Thomas Duong (AU2143)

December 10, 2003



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100